

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 MAURY A. SINGER,

Case No. 2:20-cv-01556-GMN-EJY

5 Plaintiff,

6 v.

ORDER

7 BRIAN WILLIAMS, *et al.*,

8 Defendants.

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10 This action commenced with Plaintiff's 42 U.S.C. § 1983 civil rights Complaint filed on
11 August 21, 2020. ECF No. 1-1. Plaintiff subsequently filed a First Amended Complaint. ECF
12 No. 5. Plaintiff also filed two applications to proceed *in forma pauperis*. ECF Nos. 3, 6. The
13 financial information provided by Plaintiff demonstrates he is unable to prepay the full filing fee
14 in this matter.

15 On March 27, 2022, the Court imposed a stay of the case and subsequently ordered the
16 parties to mediate with a court-appointed mediator. ECF Nos. 7, 9, 10. On July 25, 2022, the
17 Office of the Attorney General filed a status report stating a settlement was not reached and
18 informing the Court of its intent to proceed with this action. ECF No. 13.

19 For the foregoing reasons, **IT IS HEREBY ORDERED** that:

20 1. Plaintiff's initial application to proceed *in forma pauperis* (ECF No. 3) is
21 GRANTED. Plaintiff's subsequent application to proceed *in forma pauperis* (ECF No. 6) is
22 DENIED as moot. Plaintiff shall not be required to pay an initial installment of the filing fee. In
23 the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. §
24 1915(b)(2).

25 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
26 prepayment of any additional fees or costs or the giving of security therefor.

27 3. Under 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the
28 Nevada Department of Corrections will forward payments from the account of Maury A. Singer,

1 # 26443, to the Clerk of the United States District Court, District of Nevada, at a rate of 20% of
2 the preceding month's deposits (in months that the account exceeds \$10.00) until the full \$350
3 filing fee has been paid for this action.

4 4, The Clerk of the Court must send a copy of this Order to the Finance Division of
5 the Clerk's Office. The Clerk of the Court must also send a copy of this Order to the attention of
6 the Chief of Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson
7 City, NV 89702.

8 5. The Clerk of the Court will electronically serve a copy of this Order, the Screening
9 Order (ECF No. 7), and a copy of Plaintiff's First Amended Complaint (ECF No. 5) on the Office
10 of the Attorney General of the State of Nevada by adding the Attorney General of the State of
11 Nevada to the docket sheet. This does not indicate acceptance of service.

12 6. Subject to the findings of the Screening Order (ECF No. 7), within twenty-one (21)
13 days of the date of entry of this Order, the Attorney General's Office must file a notice advising
14 the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the
15 names of the defendants for whom it does not accept service, and (c) the names of the defendants
16 for whom it is filing the last-known-address information under seal. As to any of the named
17 defendants for whom the Attorney General's Office cannot accept service, the Attorney General's
18 Office must file, under seal, but shall not serve the inmate Plaintiff the last known address(es) of
19 those defendant(s) for whom it has such information. If the last known address of the defendant(s)
20 is a post office box, the Attorney General's Office must attempt to obtain and provide the last
21 known physical address(es).

22 7. If service cannot be accepted for any of the named defendant(s), Plaintiff must file
23 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
24 a full name and address for the defendant(s). For the defendant(s) the Attorney General's Office
25 cannot provide last-known-address information, Plaintiff must provide the full name and address,
26 if known, for the defendant(s).

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8. If the Attorney General's Office accepts service of process for any named defendant(s), such defendant(s) must file and serve an answer or other response to the First Amended Complaint no later than sixty (60) days after the date of this Order.

9. Service of the operative complaint must be accomplished within 90 days of the date of this Order.

10. Plaintiff must serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff must include with the original document submitted for filing a certificate stating the date that a true and correct copy of the document was mailed or electronically filed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff must direct service to the individual attorney named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge which has not been filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service.

11. This case is no longer stayed.

DATED THIS 12th day of August, 2022.

Elayna J. Youchah
ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE